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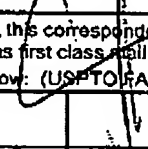
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/718,925	
	Filing Date	November 21, 2003	
	First Named Inventor	BAKONYI et al.	
	Art Unit	1626	
	Examiner Name	SAEED, Kamal A.	
Total Number of Pages in This Submission	6	Attorney Docket Number	IVD1103 US DIV

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Response to Office Action</div>
Remarks 1. Transmittal Letter - (2 pages) 2. Terminal Disclaimer - (2 pages)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	AVENTIS PHARMACEUTICALS INC.		
Signature			
Printed name	Kelly L. Bender		
Date	June 7, 2005	Reg. No.	52,610

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Signature			
Typed or printed name	Jonas Pierre, Sr.	Date	June 7, 2005

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
**BAKONYI et al.**

Examiner: **SAEED, Kamal A.**

Application No.: **10/718,925**

Art Unit: **1626**

Filed: **November 21, 2003**

Title: **PROCESS FOR RACEMIZATION**

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Date of Deposit	<u>June 7, 2005</u>
Printed Name of Person Signing Certificate	<u>Jonas Pierre, Sr.</u>
Signature	<u>[Signature]</u>

**RESPONSE**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This response is to the Examiner's Office Action mailed March 10, 2005 (hereinafter, "Office Action"). This Office Action has a shortened statutory period for response set to expire on June 10, 2005. This response is, therefore, timely filed.

Claims 1 to 4, and 6 to 14 are pending in this application.

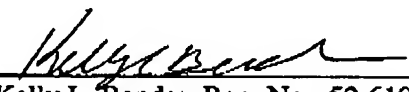
**Discussion of the Double Patenting Rejection**

Claims 1 to 4, and 6 to 14 stand rejected "under the judicially created doctrine of obviousness-type double patenting as [the Examiner alleges] being unpatentable over claims 1 to 10 of U.S. Patent No. 6,670,486 B1...". (Office Action at 2).

Without acknowledging the propriety of the Examiner's rejection, and to further the prosecution of this application, Applicants file herewith an appropriate Terminal Disclaimer, which disclaims, under the conditions provided therein, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,670,486.

In view of this, Applicants submit that the invention, as defined by the claims of the present application, is novel and non-obvious over the prior art, and complies with the requirements of 35 U.S.C. § 112. Accordingly, allowance and passage to issue of Claims 1 to 4, and 6 to 14 are respectfully requested.

Respectfully submitted,

  
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Kelly L. Bender, Reg. No., 52,610  
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Docket No. IVD1103 US DIV